



Attorney Docket No. 1975.1004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Satoshi KITAMURA, et al.

Application No.: 10/797,035

Group Art Unit: 1638

Confirmation No.: 4549

Filed: March 11, 2004

Examiner: Russell KALLIS

For: PLANT PIGMENT ACCUMULATION GENE

RESPONSE TO RESTRICTION REQUIREMENT

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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This is responsive to the Office Action mailed October 3, 2006, having a shortened period for response set to expire on November 3, 2006. A Petition for Extension of Time of one month is filed concurrently, thus setting December 3, 2006, as the due date for responding.

In response to the restriction requirement, the Applicants elect claims directed to the invention of Group I, pending claims 1, 2, 4-7, and 9-14, drawn to an "isolated nucleic acid sequence encoding a protein having the activity for vacuolar compartmentalization of flavonoids in plant cells and vectors and plants therewith and method for producing flavonoids in plants transformed therewith." Applicants reserve the right to further prosecute without prejudice the non-elected claims of Group II.

However, the Applicants traverse the restriction requirement because the Applicants consider that it is reasonable to examine at the same time the invention of the protein of Group II together with the invention of DNA of Group I encoding that protein of Group II. The present invention clearly describes that the protein of Group II is produced using the DNA of Group I.

Therefore, reconsideration is requested for examination of the two pending claims 3 and 8 in Group II. Moreover, the features of the non-elected claims are so closely related to those of the elected claims so that the fields of search should be overlapping.

Accordingly, neither the Applicants, nor the U.S. Patent and Trademark Office should be put through the delay and expense entailed in multiple filings and lengthy prosecution. In addition, the Applicants submit that the public-at-large should not be required to obtain and study several patents in order to have available all of the issued patent claims covering related inventions.

Additionally submitted with this Response is a copy of the New Power of Attorney and Revocation of Prior Powers filed with the USPTO on November 22, 2006.

If there are any additional fees associated with this Response, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

By: 

David M. Pitcher

Registration No. 25,908

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1201 New York Ave, N.W.
7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501